

Appl. No. 10/812,495
Amdt. Dated December 28, 2005
Response to Office action of June 28, 2005

REMARKS

Claims 1-20 are currently pending in the application. Claims 1, 7-9, 11, 13, 14, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stinton (US 6,120,213). Claims 2-6, 10, 15, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stinton. Claims 12 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stinton in view of Johansson (US 5,394,870). Claims 19 and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by Johansson. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Johansson.

The applicant respectfully submits that neither Stinton nor Johansson, alone or in combination, anticipate or suggest the subject matter of the pending claims. Claim 1, as amended, describes a harness for use with breathing apparatus, the harness comprising at least one resilient flexible shoulder panel. The harness of the current claims substantially retains its shape so that it may be donned quickly in an emergency. Stinton does not describe such a harness. There is no mention that the vest or jacket in Stinton substantially retains its shape when not in use.

Claim 14 describes a harness for use with breathing equipment including a belt portion wherein the cylinder of breathing gas is attached to the belt portion. The attachment means in the current claims includes a mounting means arranged to engage a mounting portion of the cylinder and a retaining means arranged to retain a retaining device for the cylinder. The benefit of the attachment method of current claims is that the wearer can partially detach the cylinder and climb, for example, through a narrow hatch or other restricted passage, with the cylinder dangling below (but still retained), so as to not impede the wearer's progress. Stinton does not describe such an attachment. Rather, Stinton describes a "vest or jacket" (col. 3, line 26), in which "a scuba tank (not illustrated) may be releasably connected to the centre of the back portion 12a of the jacket 12 via releasable clamp assemblies 14 and 15" (col. 3, lines 33-36). Stinton does not contain the mounting and retaining means of the current claims and, therefore, does not allow for the partial detachment of the tank. Further, Stinton teaches attaching the tank to the back portion, not the belt portion, as required by the current claims.

Appl. No. 10/812,495
Amdt. Dated December 28, 2005
Response to Office action of June 28, 2005

Claim 19 describes a harness with a flexible hip plate including connectors for connecting a cylinder. The connectors are configured such that the cylinder of breathable gas is supported between the legs of the user. Johansson does not describe such a harness. Rather, Johansson describes a strap support member with a shoulder strap and belt. The Johansson shoulder strap and belt support an electrically powered filtered air blower (col. 2, lines 56-68; Fig. 1 and 2), not a cylinder of breathable gas as required by the claims. There is no suggestion that the Johansson mounting arrangement could support a cylinder of gas, which is much heavier and bulkier than Johansson's powered filtered air blower. Further, the Johansson mounting arrangement is not configured to support the cylinder between the legs of the wearer as required by the claims.

Therefore, in view of the foregoing remarks, all of the pending independent claims and associated dependant claims are believed to be patentable over the cited art. Accordingly, applicants respectfully request reconsideration and allowance of the application.

Applicant also submits the enclosed certified copy of the priority document, British Application No. 0307556.1, filed April 1, 2003, from which the above-referenced patent application claims priority. Please incorporate this certified priority document into the official record for this matter.

Applicants believe that a three-month extension of time is required. A check in the amount of \$1020.00 is therefore enclosed, to cover the three-month extension fee. However, in the event that any additional fees are due, Applicants request that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

Appl. No. 10/812,495
Amdt. Dated December 28, 2005
Response to Office action of June 28, 2005

The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

Date: December 28, 2005

Respectfully submitted,



Timothy M. Murphy
Registration No. 33,198
Attorney for Applicant
Bromberg & Sunstein LLP
125 Summer Street
Boston, Massachusetts 02110-1618
Tel: (617) 443-9292
Fax: (617) 443-0004

01050/00128 447886.1